Report of the Standing Policy Committee on Property and Development dated February 5, 2002

Request for Extension of Time –Rezoning of land located at 433 Young Street File DAZ 207/94

1. The Standing Policy Committee on Property and Development has been advised that the solicitor (H. E. Gordon, Q.C.) for the applicant (Shawano Wapunong Building Inc.) advised the Planning, Property and Development Department that due to an administrative lapse on the part of the applicant and the lack of familiarity with the requirements of the City of Winnipeg the required documents were not executed and the required caveats not registered. Mr. Gordon has now indicated that they are prepared to finalize the required documents, and have therefore requested an extension of time to December 31, 2003 to complete the subject rezoning application.

On September 21, 1994 Council adopted Clause 5 of the Report of the former Committee on Planning and Community Services dated August 30, 1994, and approved the rezoning of the subject property to a "C1" Commercial District to accommodate an existing business office and parking area subject to the execution of a zoning agreement.

Recommendation II. contained in said Clause stipulated:

> "That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time."

Recommendation IV contained in the said Clause further stipulated:

> "That the rezoning by-law shall become effective when the zoning agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council."

On October 19, 1994, Council passed Rezoning By-law No. 6496/94. The enactment section of the by-law required that the Zoning Agreement Caveat be registered in the Winnipeg Land Titles Office by October 19, 1995, failing which the by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

The Administration reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval are unchanged.

On January 8, 2002, the City Centre Community Committee concurred in the recommendation contained in the report dated January 4, 2002, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the time limit to provide for the enactment of Rezoning By-law No. 6496/94 under File DAZ 207/94 be extended to December 31, 2003.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit to provide for the enactment of Rezoning By-law No. 6496/94 under File DAZ 207/94, be extended to December 31, 2003.

II. That the Proper Officer of the City be authorized to do all things necessary to implement the intent of the foregoing.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.